

TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada
(Small Claims Court)

DT: 1hr 5m. 15

REGISTRY FILE NUMBER:

1138247

COURTROOM

106

REGISTRY LOCATION:

RSFC

Before Judge

Giardini

on Jan. 30, 2013 clerk JT

In the case
between

Cavaliere Financial & Management INC.

CLAIMANT(S)

and

Imago Mobile Technologies Corp.

DEFENDANT(S)

Appearances

Claimant(s)

PA NA

Counsel/representative

Cavaliere R.

PA NA

(President)

Defendant(s)

PA NA

Counsel/representative

Irvine, S.

PA NA

Defendant(s)/Third Party

PA NA

Counsel/representative

PA NA

Order

☐ By Consent ☐ Granted ☐ Dismissed ☐ Cancelled ☐ Not heard

Warrants

☐ Warrant of Arrest ☐ Warrant of Imprisonment for days

Name of person to be arrested/imprisoned

Adjournment

For a ☐ Trial
☐ Settlement Conference
☐ Payment Hearing
☐ Default Hearing

On date at time AM / PM

☐ or to a date to be set by the court.

Number of Witnesses Claimant Defendant Expert

Estimated time required hours

Payment
Order

For \$ Awarded to ☐ Claimant ☐ Defendant

↓

+

+

=

☐ Contractual ☐ Court Order Interest at % per annum calculated from date

Expenses ☐ to be assessed by the registrar

Total to be paid

Payment
Schedule

Payment ☐ Immediate ☐ Schedule

Terms:

\$ on date and \$

on of each month until the amount is paid or another order is made by the court.

Other
Orders

Judgment to the claimant in the amount of \$4975.00 plus service & filing fees of \$236.00, no court-ordered interest.

Please see attached addendum.

☐ see attachment for continuation of order

Total
from court

For \$ 4975.00

Interest % as noted above

Expenses

Total awarded

236.00

\$ 5211.00

Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

142

File ROB-P-C 11 - 38247 Vancouver Registry

Cavaliere Financial & Management Inc. v. Imogo Mobile Technologies Corp.

Addendum to Trial Record/Order dated Jan 30, 2013

In giving my verbal reasons for judgment on January 30, 2013, I did not specifically address the counterclaim for breach of contract made by the defendant in its Reply filed January 3, 2012. Further, I did not mention the counterclaim in the Trial Record/Order signed at the end of the trial.

Mr. Stewart Irvine, acting for the defendant, did not specifically raise the counterclaim in his summation. At one point, in the course of hearing further submissions from the parties regarding the calculation of damages for the claimant, the counterclaim was mentioned. However, after listening to the court recording, it is not clear whether the parties appreciated that it was my intention to dismiss the counterclaim. As I did not directly and expressly address the counterclaim in my order I have prepared this Addendum to be mailed to the parties to the address recorded on the Notice of Claim and the Reply. If the parties wish to address the court on this point they must contact the Registry in writing within 28 days of the date of mailing.

TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada
(Small Claims Court)

BT 4hrs
REGISTRY FILE NUMBER:

11-38247

COURTROOM

106

REGISTRY LOCATION:

RSPC

Before Judge

Giardini, M

on 29 Jan 2013 clerk

DA

In the case
between

CAVALIERE FINANCIAL & MANAGEMENT INC &

CLAIMANT(S)

CAVALIERE FINANCIAL & MANAGEMENT INC

and

IMOGO MOBILE TECHNOLOGIES CORP.

DEFENDANT(S)

Appearances

Claimant(s)

PA ☒ NA ☐

Counsel/representative

Benoit CAVALIERE

Defendant(s)

PA ☒ NA ☐

Counsel/representative

Stewart IRVINE

Defendant(s)/Third Party

PA ☐ NA ☐

Counsel/representative

PA ☐ NA ☐

(President / owner)

PA ☐ NA ☐

(President / owner)

PA ☐ NA ☐

Order

☐ By Consent

☐ Granted

☐ Dismissed

☐ Cancelled

☐ Not heard

Warrants

☐ Warrant of Arrest

☐ Warrant of Imprisonment for days

Name of person to be arrested/imprisoned

Adjournment

For a

- ☒ Trial CNT/DEC
☐ Settlement Conference
☐ Payment Hearing
☐ Default Hearing

On

date 30 Jan 2013

at

time 9:30 AM/PM

☐ or to a date to be set by the court.

Number of Witnesses

Claimant Defendant Expert

#106

Estimated time required hours

Payment
Order

For

\$
+
+
=

Awarded to

☐ Claimant ☐ Defendant

☐ Contractual
☐ Court Order

Interest at % per annum calculated from

date

Expenses ☐ to be assessed by the registrar

Total to be paid

Payment
Schedule

Payment

☐ Immediate

☐ Schedule

Terms:

\$ on date and \$

on of each month until the amount is paid or another order is made by the court.

Other
Orders

☐ see attachment for continuation of order

Total
from Court

For

\$

Interest % as noted above

Expenses

Total awarded

Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada
(Small Claims Court)

DT 05
REGISTRY FILE NUMBER:

1138247

COURTROOM

REGISTRY LOCATION:

104

ASPC

Before Judge

Warner

on *Jan 24/13* clerk

In the case
between

Cavaliere Financial + management Inc CLAIMANT(S)

and

Imago Mobile Technologies Corp. DEFENDANT(S)

Appearances

Claimant(s)

☒ PA

☐ NA

Counsel/representative

R. Cavaliere
(pres.)

Defendant(s)

☒ PA

☐ NA

Counsel/representative

S. Irvine
(pres.)

Defendant(s)/Third Party

☐ PA

☐ NA

Counsel/representative

☐ PA

☐ NA

☐ PA

☐ NA

☐ PA

☐ NA

Order

☐ By Consent

☐ Granted

☐ Dismissed

☐ Cancelled

☐ Not heard

Warrants

☐ Warrant of Arrest

☐ Warrant of Imprisonment for days

Name of person to be arrested/imprisoned

Adjournment

For a

☐ Trial

☐ Settlement Conference

☐ Payment Hearing

☐ Default Hearing

On date

at time

AM / PM

☐ or to a date to be
set by the court.

Number of Witnesses

Claimant

Defendant

Expert

Estimated time required hours

Payment
Order

For

\$

Awarded to

☐ Claimant

☐ Defendant

↓

+

+

=

☐ Contractual

☐ Court Order

Interest at % per annum

calculated from date

Expenses ☐ to be assessed by the registrar

Total to
be paid

Payment
Schedule

Payment

☐ Immediate

☐ Schedule

Terms:

\$

on date

and \$

on of each month until the amount is paid or another order is made by the court.

Other
Orders

Adj to Trial to set new trial date
(today) see if there
is a judge available to hear
the trial + if not to set
a new trial date This trial
was adjourned for lack of court
time + JFW not to ☐ see attachment for continuation of order

Total
from Court

For

\$

hear.

Time estimate
Interest % as noted above

Expenses *now 1-1/2*

Total awarded *4.00*

[Signature]
Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

Trial Conference Record

In the Provincial Court of British Columbia
(Small Claims Court)

DT: 45 mins. 11 13 G.

REGISTRY FILE NUMBER:

1138247

COURTROOM

114.

REGISTRY LOCATION:

RSPC

BEFORE JUDGE

J. Wier

☐ Telephone ☐ Video

on 10 July 2012

clerk

MPurdy

APPEARANCES

Claimant(s)

Cavaliere Financial + Management INC

PA NA

☐ ☐

Counsel ☐ / Representative ☒ / Interpreter ☐

PA NA

☐ ☐

Renato Cavaliere (rep)

PA NA

☐ ☐

Crystal Comley (rep)

Defendant(s)

Imago Mobile Technologies Corp

PA NA

☐ ☐

Counsel ☒ / Representative ☐ / Interpreter ☐

PA NA

☐ ☐

Madani, D. (c)
Stewart Irvine (rep)

Defendant(s)/Third party(ies)

PA NA

☐ ☐

Counsel ☐ / Representative ☐ / Interpreter ☐

PAYMENT ORDER

☐ By Agreement

☐ By Default

DISMISSAL ORDER

☐ Rule 7.5(18) (no appearance by claimant)

☐ Rule 7.5(14)(i)

For \$ To ☐ Claimant ☐ Defendant day month year

+ Interest at % per annum calculated from

+ Expenses ☐ to be assessed by the registrar to

= TOTAL

Payment ☐ Immediate ☐ Schedule

After discussion with the parties and review of the filed documents, the is dismissed because it;

☐ is without reasonable grounds

☐ discloses no triable issue

☐ is frivolous or

☐ is an abuse of the court's process

Terms/other orders: (if more space is required add page and check box ☐) Defendant advised of Rule 20(5)

re: Counterclaim. Defendant Parties at liberty to file and serve and list of witnesses and serve Trial Statements to add documents by Aug 3, 2012.

* Parties advised of offer to Settle Rule *

ADJOURNMENT for a ☐ Application/referral to Court

☒ Trial

☐ Payment Hearing

☐ Trial Conference

☐ Other

on day month year at time am pm

or ☐ Date to be fixed by registry (notice to be sent to all parties).

* JFW NOT
TO 1 YEAR TRIAL

Number of witnesses 1-3 Claimant 3 Defendant Third Party Expert Translator (party to arrange)

Estimated time required 2 Hours Days

Agreed facts and outstanding issues: (if more space is required add page and check box ☐)

DOCUMENT EXCHANGE ORDER

☐ The parties must exchange a copy of

☐ a completed or revised Trial Statement and attachments

☐ all documents listed on the attached page

by date and bring 2 copies to the next court appearance

☒ All parties must exchange any case law they intend to use by date at least one week before trial.

DISCLOSURE OF EVIDENCE ORDER

☐ Each party must provide each other party with the name, address and telephone number and a summary of evidence of all witnesses the party intends to call as a witness at trial, including any expert witness by date

Claimant's signature

Defendant's signature

Third Party's Signature

Judge's signature

Mediation Session Record

In the Provincial Court of British Columbia
(Small Claims Court)

REGISTRY FILE NUMBER:

11-38247

MEDIATION
ROOM
117

REGISTRY LOCATION:

Vancouver

START
09:30

AM / PM

FINISH
11:30

AM / PM

MEDIATOR:

Karen Bourgeault

☐ Telephone

☐ Video

on 21 day 02 month 12 year

APPEARANCES

Claimant(s) Cavaliere Financial & Management Inc.

PA ☒ NA ☐

Renato Cavaliere (R)

Counsel ☐ / Representative ☒ / Interpreter ☐
Telephone ☐ / Video ☐

PA ☐ NA ☐

Crystal Conley (R)

☐ Telephone

☐ Video

PA ☐ NA ☐

Defendant(s) Imogo Mobile Technologies Corp.

PA ☒ NA ☐

Stewart Irvine (R)

Counsel ☐ / Representative ☒ / Interpreter ☐
Telephone ☐ / Video ☐

PA ☐ NA ☐

David Mondani (C)

☐ Telephone

☐ Video

PA ☐ NA ☐

Defendant(s)/Third party(ies)

PA ☐ NA ☐

Counsel ☐ / Representative ☐ / Interpreter ☐
Telephone ☐ / Video ☐

☐ Telephone

☐ Video

PA ☐ NA ☐

☐ If the parties came to a partial settlement, list the issues which remain outstanding:
(List issues by name of document and corresponding number on court list)

ALL